

MAYOR
Hal J. Rose

DEPUTY MAYOR
Stephen Phrampus

COUNCIL MEMBERS
Diana Adams
Pat Bentley
John Dittmore
Daniel McDow
Andrea Young



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CITY COUNCIL REGULAR MEETING

MINUTES

March 21, 2023

1. CALL TO ORDER

Mayor Rose called the regular meeting to order at 6:00 p.m.

2. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENT MEDITATION

Mayor Rose led the Pledge of Allegiance followed by a moment of silence.

3. ROLL CALL

Attending: Mayor Hal Rose, Deputy Mayor Stephen Phrampus, and Council Members Diana Adams, Pat Bentley, John Dittmore, Daniel McDow, and Andrea Young.

Also present: City Manager Tim Rhode, City Attorney John Cary, Assistant City Manager Tom Bradford, Police Chief Gregory Vesta, Planner Denise Curry, Planner Cynthia Snay, Finance Director Candice Blake, Jacobs Maintenance Manager Sherman Huffman, Systems Administrator Christian Arsenault, City Clerk Cynthia Hanscom, and members of the public.

Council Member Adams moved to add an action item to the agenda to address the St. Johns River Water Management District permit in relation to the Doherty Drive extension. Council Member Dittmore seconded the motion.

Mayor Rose referenced two sections of the Meeting Rules of Order which specifically prohibit adding an item to the agenda unless it was an emergency. He added that he would agree that this should go on a future agenda for consideration.

Council Member Dittmore offered an amendment to the motion to move Management Reports up in the agenda so that Council can provide the City Manager with direction on the St. Johns River Water Management District permit for the Doherty Drive extension. Council Member Adams agreed to the amendment to the motion.

Council then voted on the amended motion, which passed unanimously.

4. PRESENTATIONS/PROCLAMATIONS/INTRODUCTIONS

Proclamation for Hemophilia and Bleeding Disorders Awareness Month. Mayor Hal Rose and Council Member Daniel McDow presented a proclamation to Samantha Nazario naming the month of March as Hemophilia and Bleeding Disorders Awareness Month in the City of West Melbourne.

Keep Brevard Beautiful (KBB). Bryan Bobbitt, Executive Director of Keep Brevard Beautiful, provided an update on the compost program operating on City-owned property. He noted there were 115 subscribers and collected 350 pounds of organic food waste. He reported the KBB organization was the keynote speakers at a Keep American Beautiful conference in Washington D.C. last month and received an innovation award for the compost program. The compost will be used for gardening programs in the schools as well as community gardens. Those participating in the program will have the option of receiving a 5 pound bag of compost. He noted they hope to create five additional locations for the program in the county.

5. MANAGEMENT REPORTS

City Manager Rhode reminded Council members that this was being addressed because of the permit that was in process with the St. Johns River Water Management District for the Doherty Drive extension. He noted the permit had been submitted prior to the action of Council in January. Because the fees for the permit had been paid, he believe the permit could be received and then shelved should it be needed in the future. If Council wants to close out the permit, he would proceed as directed.

Each Council member spoke in favor of having the permit pulled. Continuing with the permit was in not intended to fool the public nor was it directed by any one Council member. City Manager Rhode stated that it was clear that Council's direction was to have staff pull the permit.

6. PUBLIC HEARING

Annexation of Property Located at 4340 West New Haven Avenue (Volvo). Planner Curry presented the second reading of the ordinance to annex property at 4340 West New Haven Avenue. She provided a map of the surrounding properties noting that the Volvo dealership was interested in connecting to the City's sewer system. She reviewed the urban services and noted that annexation was consistent with the comprehensive plan. Planner Curry also spoke on the other properties along West New Haven that were not in the City and noted that they were already connected to Melbourne water and sewer or had a private septic system.

City Attorney Cary read Ordinance No. 2023-05 in title only:

ORDINANCE NO. 2023-05

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, ANNEXING BY VOLUNTARY PETITION PARCELS OF LAND APPROXIMATELY 4.20 ACRES LOCATED AT 4340 WEST NEW HAVEN AVENUE AND AS MORE FULLY DESCRIBED HEREIN; FINDING THAT THE AREA BEING ANNEXED IS REASONABLY COMPACT AND CONTIGUOUS TO THE CITY, THAT THE ANNEXATION OF THE PROPERTY DOES NOT CREATE AN ENCLAVE, AND THAT THE ANNEXATION OF THE PROPERTY OTHERWISE COMPLIES WITH FLORIDA LAW; AMENDING THE CORPORATE BOUNDARIES OF THE CITY TO PROVIDE FOR THE INCORPORATION OF THE REAL PROPERTY DESCRIBED HEREIN; PROVIDING FOR FILING OF THE REVISED CITY BOUNDARIES WITH THE DEPARTMENT OF STATE; PROVIDING FOR REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Rose opened the public hearing. There being no comments, he closed the public hearing.

Council Member Bentley moved to approve the second reading of Ordinance No. 2023-05, annexing the property at 4340 W. New Haven Avenue for the Volvo Dealership. Council Member Adams seconded the motion, which passed unanimously.

Small Scale Comprehensive Plan Map Amendment and Rezoning for Property located at 4340 West New Haven Avenue (Volvo). Planner Snay presented the small scale comprehensive plan map amendment and rezoning for property located at 4340 West New Haven Avenue. She provided background information and an aerial map of the site. She reviewed the current future land use and the proposed future land use compared to the surrounding properties. She noted that future land use in Brevard County would allow for a higher use. The change was consistent with the comprehensive plan and there was a balance of private property rights. She provided a staff analysis on the impacts. She noted the owner was proposing to continue to use the property as an automotive sales and service center business (Volvo of Melbourne) and would construct an addition to include new service bays and a car wash.

Planner Snay then reviewed the rezoning and provided an analysis and comparison with abutting uses. She noted the Planning & Zoning Board had met on March 14 and recommended approval of both the small scale amendment and the rezoning.

Clerks Note: the following reading of the ordinances occurred earlier in the meeting but are placed here for uniformity.

City Attorney Cary read, in title only, Ordinance Nos. 2023-08 and 2023-09:

ORDINANCE NO. 2023-08

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE FOR A 4.2 ACRE PARCEL OF LAND LOCATED AT 4340 W. NEW HAVEN AVENUE AND AS MORE FULLY DESCRIBED HEREIN FROM BREVARD COUNTY CC (COMMUNITY COMMERCIAL) TO CITY OF WEST MELBOURNE COM (COMMERCIAL); PROVIDING AN EFFECTIVE DATE.

ORDINANCE NO. 2023-09

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, REZONING A PARCEL OF LAND 4.2 ACRES LOCATED AT 4340 W. NEW HAVEN AVENUE FROM BREVARD COUNTY BU-1 (GENERAL RETAIL COMMERCIAL) TO CITY OF WEST MELBOURNE C-P (COMMERCIAL PARKWAY) WITH ICO (INTERCHANGE COMMERCIAL OVERLAY); PROVIDING AN EFFECTIVE DATE.

Mayor Rose opened the public hearing. There being no comments, he closed the public hearing.

City Attorney Cary stated this was a quasi-judicial hearing for rezoning which required any disclosures by Council on communication on the rezoning or visits to the site. Council Member Adams stated she had driven past the property.

Deputy Mayor Phrampus moved to approve the first reading of Ordinance No. 2023-08 to adopt the future land use map amendment on approximately 4.2 acres of property located at the northeast corner of the intersection of Valencia Road and W. New Haven Avenue from Brevard County CC (Community Commercial) to City of West Melbourne COM (Commercial). Council Member Young seconded the motion.

Deputy Mayor Phrampus asked about the use of the car wash by the public. Planner Snay indicated the car wash was proposed to be used by the business only and would not be open to the public. She noted that this could be conditioned with the site plan approval.

Council then voted on the approval of the first reading of Ordinance No. 2023-08, which passed unanimously.

Deputy Mayor Phrampus moved to approve the first reading of Ordinance No. 2023-09, rezoning 4.2-acres from Brevard County BU-1 (General retail commercial) zoning designation to the City of West Melbourne C-P (Commercial Parkway) zoning designation with the ICO (Interchange Commercial Overlay) with the condition that the

comprehensive plan map amendment (small scale) is approved. Council Member Dittmore seconded the motion, which passed unanimously.

7. PUBLIC FORUM

Greg Perlberg, 1872 Lune Court, expressed appreciation to Council in addressing the matter of the permit for St. Johns River Water Management District earlier in the meeting. He thanked Council for providing openness in government and hearing their concerns.

Justin Lauer, 2205 Botanica Circle, thanked Council for upholding the motion made in January and the expediency in handling the issue.

Cari Pace-Cook, 2224 Botanica Circle, noted that residents have been concerned about the St. Johns River Water Management district permit. She read from the minutes from January 17 and noted that residents believed that no further action would be taken on the project. She did not know that the engineering firm would continue working on the permit. Residents did not want anything be done to pave the way in the future to construct the extension. She thanked Council for restoring their trust. She also asked that the engineering firm be instructed to discontinue any work on the project.

Ed Hines, 2345 Botanica Circle, thanked Council for addressing the St. Johns River Water Management District permit to their satisfaction and expressed his agreement with the other speakers.

8. CONSENT AGENDA

City Attorney Cary indicated the consent item for approval of resolutions for the dedication of portions of Ellis Road to the Florida Department of Transportation right-of-ways was being pulled. Notification was received from the Florida Department of Transportation that the documents for the subordination of utilities did not require a resolution from Council.

Council Member Young moved to approve the following consent agenda. Council Member Dittmore seconded the motion, which was approved unanimously.

- Regular City Council minutes for Tuesday, March 7, 2023.
- Special City Council minutes for Saturday, March 11, 2023, as amended.

9. ACTION AGENDA

Fiscal Year 2021-2022 Annual Comprehensive Financial Report. Finance Director Blake presented a summary of the fiscal year 2021-2022 Annual Comprehensive Financial Report, noting the fund balances and the net pension liability for the Police Pension Trust Fund.

Debbie Goode with Carr, Riggs & Ingram (CRI), introduced the audit team and reviewed the fund balances and expenditures. She commented on the unrestricted fund balance noting that it was higher than the state minimums but provided a cushion should it be needed for a catastrophic event, such as a hurricane. She reviewed the trends and commented on the funding differences between the Florida State Retirement System and the Police Pension fund. Ms. Goode also noted the budget to actual was within all of budget categories. Because American Rescue Plan Act funds were used, a single audit was conducted which showed compliance. Ms. Good also noted the Community Redevelopment Agency audit was clean and had minimal activity.

Ms. Goode addressed the building department fund balance and the plans for spending that down. When asked how long the City had to spend the funds, Ms. Goode replied that the City was in non-compliance which would require a letter from the State each year until the City would come into compliance. She encouraged the City to move forward with the plans to expend the funds.

Council Member Adams moved to receive and file the Annual Comprehensive Financial Report (ACFR) for the Fiscal Year ended September 30, 2022. Mayor Rose seconded the motion.

Council discussed the one deficiency which was to document the review of the quarterly reports. City Manager Rhode indicated that that this would be done going forward.

Council then voted on the motion to receive the audit, which passed unanimously.

Parks Master Plan Scope of Services. Assistant City Manager Bradford presented a draft Parks Master Plan Scope of Services. The scope of work would ask a consultant to propose possible improvements to the park system. The cost of the study had been budgeted. Comments received from the Parks & Recreation Board at the March 8 meeting had been incorporated into the draft. The consultant hired would include public meetings to determine the best path to provide the amenities and put together a cost estimate for implementation.

Council Members made suggestions modifying the tasks to incorporate the Space Coast Field of Dreams, West Melbourne Community Park, Erna Nixon Park, and Max K. Rodes Park, asking that accessibility amenities are included for the other City parks. Council also discussed possible improvements needed for the Veterans Memorial Complex and/or alternate uses for the property, such as a gymnasium.

Six-Month Review of the City Manager's Performance. Council conducted the six-month performance evaluation for City Manager Rhode. Summary results were presented by Human Resources Director Curran. She noted that the scores had come to 3.39, which was just above average.

Deputy Mayor Phrampus moved to accept the summary results of the performance evaluation. Council Member Adams seconded the motion.

Council Members discussed the form and the difficulty in scoring some areas, such as relationships with other staff. Council Members agreed the City Manager Rhode was doing a fine job and encouraged regular individual meetings. Council Members also agreed the self-evaluation was reflective on his work in the last six months.

Council then voted on the motion, which passed unanimously.

10. CITY COUNCIL REPORTS

Council Member Young reported on the airboat ride provided by Melbourne-Tillman and thanked the staff for the informative tour showing what happens to the stormwater from West Melbourne.

Council Member McDow reported on his attendance at the Palm Bay Chamber annual barbeque and the Space Coast Realtors Association meeting on diversity and inclusion.

Council Member Adams reported on tours at each of the West Melbourne schools that were managed by Brevard Public Schools, noting that transportation issues were the largest concern. She noted that the tour provided by Melbourne-Tillman indicated they had pulled 300 tires from the canal per year. She also learned that grease and flushable wipes were a concern as they were coming mostly from the residential communities.

Deputy Mayor Phrampus commented on the fire services workshop and believed the Council had provided good guidance to the City Manager. He also spoke on the Melbourne-Tillman tour and the importance of cleaning water retention areas before the trash gets washed downstream. He reported he had attended the last session of the Citizens Leadership Academy and the Code Enforcement Board.

Council Member Dittmore thanked the Melbourne Tillman staff and encouraged the tour be scheduled for newly elected City Council members and County Commissioners.

Council Member Bentley also reported on the Melbourne-Tillman tour and the Space Coast League of Cities board meeting, where many legislative bills were reviewed and the impacts to local governments. He reported there would be farm share event on March 24 to provide fresh produce to needy families and invited people to come out and volunteer.

Mayor Rose reported the Melbourne-Tillman airboat tour provided him a better understanding about the canals that run through the City and Palm Bay, which were established in 1922. He also reported that the Spring Into Fitness challenge was continuing until April 1 and urged participants to input their minutes. He spoke about

the repaving of Meadowlane Avenue and installing blue lights in convenience store bathrooms to discourage drug users.

Council Member Young asked about increased patrols for speeders on Heritage Oaks Boulevard. City Manager Rhode stated they had local area patrols and he would have Chief Vesta forward that information to Council. Council Member Young also asked about the speed trailer. Chief Vesta stated the trailer was being used for speed enforcement especially in areas where there are problems.

11. ADJOURNMENT

There being no further business, the meeting adjourned at 8:52 p.m.